



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(MBHB Case No. 07-2008
Docket No. 6806/03)

In re the Application of:

Gary Chodes

Serial No.: 09/910,859

Filed: July 24, 2001

For: Method And System For
Affluent Retiree Advance

Group Art Unit No.: 3628

Examiner: Harbeck, T.

Confirmation No.: 4050

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

SECOND DECLARATION UNDER 37 CFR 1.131

Sir:

GARY CHODES declares that:

1. The following is a declaration demonstrating that work was done diligently to perfect the invention set out and as claimed in the above-identified application (the "859 application") spanning the time interval between the date of the Mayer, Brown & Platt memo (Exhibit A, dated March 2, 1999, of the earlier filed §1.131 Declaration) and the application filing date of July 24, 2001.

2. I was an executive (President) of Viaticus, Inc. during the time period before March of 1999 to the end of October of 2000. The work on the invention during the time period identified above in paragraph 1 was performed by a large number of outside

consultants, companies and by a number of Viaticus, Inc. employees, including myself.

3. During the time period from before March of 1999 to the end of October of 2000 several Viaticus, Inc., employees worked not exclusively, but diligently, and in every month of that time period, towards perfecting the invention. Those employees include me, in both an administrative role, supervising both employees of Viaticus, Inc. and outside vendors, and in a hands-on developmental role. I personally worked on modeling, building financial models, preparing a forecast evaluation model, formulating a product model, preparing and reviewing business plans and reviewing marketing plans. I personally engaged, directed and coordinated with outside vendors, including both consultants and companies working on perfecting the invention.

4. During the time period in from March of 1999 to the end of October of 2000 several Viaticus, Inc. employees worked not exclusively, but diligently, and in every month of that time period, towards perfecting the invention. Those employees include Bob Miller and Steve Arenson (who performed marketing and marketing research). In addition Jeremy Knobel, Bion Chen and Kevin Glowacki personally worked on modeling, building financial models, preparing a forecast evaluation model, formulating a product model, preparing business plans and marketing plans. At least these Viaticus, Inc. employees' functions included direction and coordination of work performed by outside vendors, including both consultants and companies related to perfecting the invention.

5. Several employees referred to in paragraph 3 continued to work diligently during and after the October of 2000 date, for a new company, ("Discernus"), which I formed and incorporated on November 2, 2000. Work done by these individuals occurred through about November of 2001. These employees include Bob Miller, Kevin Glowacki, and Steve Arenson.

6. During the time period from at least March 11, 1999, to at least December of 2001 Milliman & Robertson, Inc. (Milliman USA) performed various actuarial and statistical analyses to perfect the invention. Some of the Milliman & Robertson employees contributing to analyses are Nancy Winings, Ralph Weinberg, Tim Pfeifer; Kevin Campe, Alan Perry and Mike Abroe.

7. During the time period of at least April 23, 1999, to at least December 19, 2000, Peter Marino, of the Kellogg School of Business at Northwestern University and then as an employee of L.J. Melody & Co. performed various consulting services related to finance necessary to perfect the invention. Mr. Marino contributed consulting related to determination of Industry description – discussion of RALS, structured settlements, reverse mortgages, etc.; how and if ARA's fit in; target market – discussion of primary markets, market segments other demographic details; market penetration - market share, number of customers, geographic concerns and a rationale for market penetration estimates; pricing – understanding of cash flow streams and related issues. Jim Ponvanit of the Kellogg School of Business at Northwestern University was also involved in consulting during at least the months of January of 2000 and April of 2000.

8. During the time period of at least April 23, 1999, to at least through October of 2000, Ascent Financial ("Ascent") provided professional consulting services in connection with modeling according to various financial and operating assumptions necessary to perfect the invention. Individuals involved in this work included Mike Mayer, Brian Pomarentz, and Jeff Snell.

9. During the time interval from at least March 2, 1999, to the application filing date of July 24, 2001, it was necessary, in order to perfect the invention, to create a flexible financial model involving response tables and analysis, as well as a full demographic profile, share of wallet analysis, and account share analysis as well as the formulation of marketing plans and the execution of marketing research and focus groups. This work was performed in part by Claritas, and took place in a time span from August 7, 1999 to at least December 12, 2000.

10. During at least the time period from January 14, 2000 to at least October 26, 2000 Mike Heeger of KPMG Consulting performed various consulting services directed to perfecting the invention.

11. During at least the time period from July 12, 1999 to October 4, 2000, Ashish Shah of Anderson Consulting performed various consulting services.

12. During the time period from January of 2000 to April of 2001, Kevin Farrell, Todd Moore and Joe Schupler of Bank of New York were consulted with regarding financial issues, namely the provision of "back office services" and software systems for providing loans.

13. Other companies were involved during the time period in (1) such as Leo J. Shapiro & Associates LLC providing marketing research and focus group design and moderation from about May of 1999 through about September of 1999.

14. At various times Credit and Risk Management providing financial expertise, namely credit scoring modeling.

15. The company, ING, was involved in the production of term sheets and financial consulting and a financing commitment from January of 2001 to December of 2001.

16. The company, Stone International, was involved in financial consulting for several months before and several months after May 8, 2001.

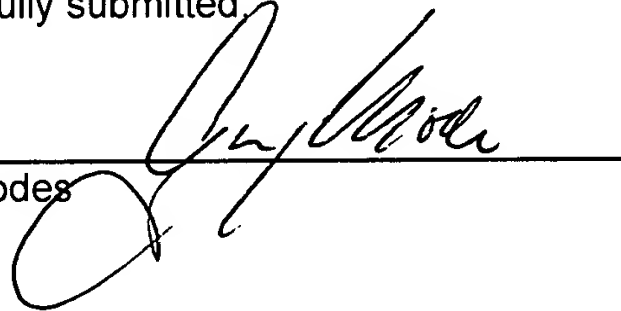
17. Attorneys at Piper & Marbury were involved from March of 1999 through December 2001 in addressing legal issues related to Social Security and regulatory advice and involved in the preparation of the above-identified patent application beginning about April 3, 2001, generating at least one draft application on June 4, 2001, which was responded to with changes on June 29, 2001. The application was filed on July 24, 2001.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 19 of the United States code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

March 6, 2007
Date

Respectfully submitted,

By:
Gary Chodes

A handwritten signature in black ink, appearing to read "Gary Chodes", is written over a horizontal line.